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8 **STATE OF WASHINGTON**
9 **KING COUNTY SUPERIOR COURT**

10 STATE OF WASHINGTON,

11 Plaintiff,

12 v.

13 FORM GIANT, LLC., also known as
14 change-my-address.com and Change
15 My Address, an Ohio Limited
16 Liability Company; and MATTHEW
17 DAVID RILEY, individually and on
behalf of his marital community, as
the President of Form Giant, LLC. ,

18 Defendants.
19

NO.

COMPLAINT FOR INJUNCTIVE
AND OTHER RELIEF UNDER THE
CONSUMER PROTECTION ACT,
CHAPTER 19.86 RCW

20 COMES NOW PLAINTIFF, State of Washington, by and through its attorneys
21 Robert W. Ferguson, Attorney General, and Paula L. Selis, Assistant Attorney General, and
22 brings this action against Defendants named herein, alleging as follows on information and
23 belief:

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I. JURISDICTION AND VENUE

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1.1 This Complaint is filed and these proceedings are instituted under the provisions of the Unfair Business Practices – Consumer Protection Act, Chapter 19.86 RCW.

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1.2 The violations alleged in this Complaint have been made and are being committed in whole or in part in King County, Washington, by defendants named herein.

1.3 Authority of the Attorney General to commence this action is conferred by RCW 19.86.080 and RCW 19.86.140.

II. DEFENDANTS

2.1 Defendant Form Giant LLC, also known as change-my-address.com and Change My Address, is an Ohio Limited Liability Company, with its principal executive office located at 7770 Cooper Road, Suite 20, Cincinnati, Ohio 45242.

2.2 Defendant Matthew David Riley is the President of Form Giant, LLC, and as such, controls its policies, activities, and practices, including those alleged in the Complaint herein. Defendant Gilbert resides at 30 Black Walnut Dr., Springboro, Ohio 45066. Defendant Riley is married to Jane Doe Riley, and together they constitute a marital community. All actions taken by defendant Riley as alleged in the Complaint herein are for the benefit of his marital community.

III. NATURE OF TRADE OR COMMERCE

3.1 When consumers change their address, they must fill out a change of address form filed with the United States Postal Service (“USPS”) in order to assure that mail is forwarded to their new address. Defendants offer address changing services through their web site, www.change-my-address.com.

1 **3.2.** When consumers perform a Google search online for address changing services,
2 the first search result that is displayed on the search engine page is Defendants’ business. The
3 result is prominently placed at the top of the page because Defendants pay Google to do so, as
4 part of its Adwords program that permits advertisers to pay for higher placement in search
5 results. Accordingly, when consumers search using the phrase “change my address,” they see
6 Defendants’ advertisement posted first. Their posting appears directly above the official USPS
7 Official Address Change web site posting on the search engine results.

8 **3.3** Defendants’ advertisement is captioned in a hypertext link as follows: “USPS®
9 Change Of Address-change-my-address.com” with Defendants’ website listed below the
10 hypertext. Below the website listing, Defendants advertise: “USPS® Change of Address Form.
11 Fast and Secure Mail Forwarding.” They then list their services in individual hypertext links
12 as follows: “USPS Change of Address Online,” “Fast & Secure Mail Forwarding,” “Get \$500
13 in Valuable Coupons,” “Secure COA Form.” See Figure 1 below:
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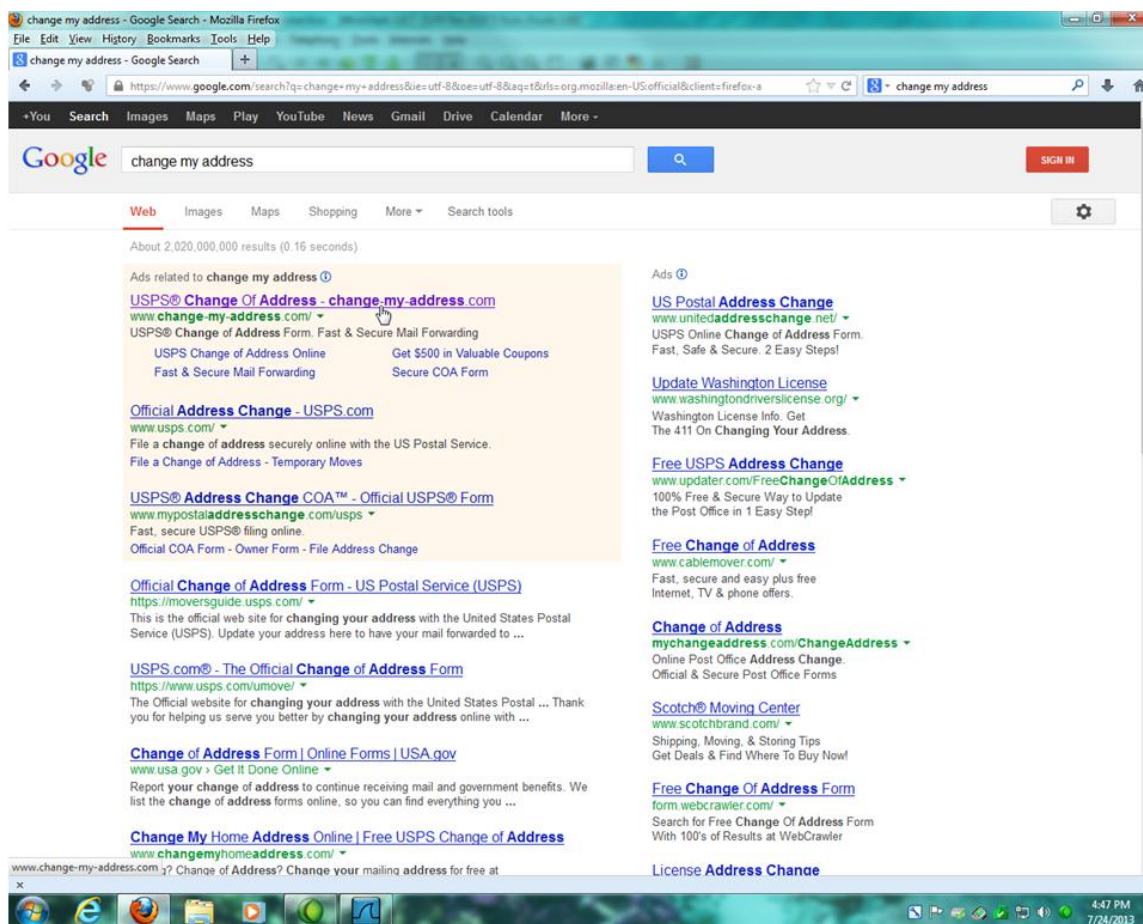


Figure 1

<https://www.google.com/search?q=change+my+address&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a> July 24, 2013.

3.4 Consumers click on Defendants' hypertext link to reach Defendants' web site, in many cases believing that it is the official site for the USPS change of address service. Defendants' web site landing page contains a form requesting information about the consumer's current address and forwarding information. The only disclosure about the price of any services rendered by Defendants is a reference on the top of the landing page to the fact that "There is a one dollar processing fee charged by the USPS® for submitting an online address change request that must be paid with a valid debit or credit card."

1 https://www.change-my-address.com, July 24, 2013. There is no other reference to the price of
2 Defendants' services.

3 **3.5** When the consumer has filled out the appropriate address and forwarding
4 information, and clicks on the "continue" button to complete the transaction, he or she is taken
5 to a page requesting payment information. During the period beginning in approximately
6 February 2013 to at least July 24, 2013, Defendants programmed the payment information
7 page so that it loaded onto the consumer's computer screen automatically scrolled down to the
8 middle of the page where the credit card information was requested. The source code of the
9 web page reveals that Defendants included a JavaScript function that ran when the page was
10 loaded. This function commanded the page to appear on the consumer's screen automatically
11 scrolled down to the point below the price disclosures that were made at the top of the page.
12 Accordingly, the consumer saw the page without any indication of the actual price of
13 Defendants' services or the payment amount that was being authorized. Figure 2 is an example
14 of the payment page as it appeared to the consumer:
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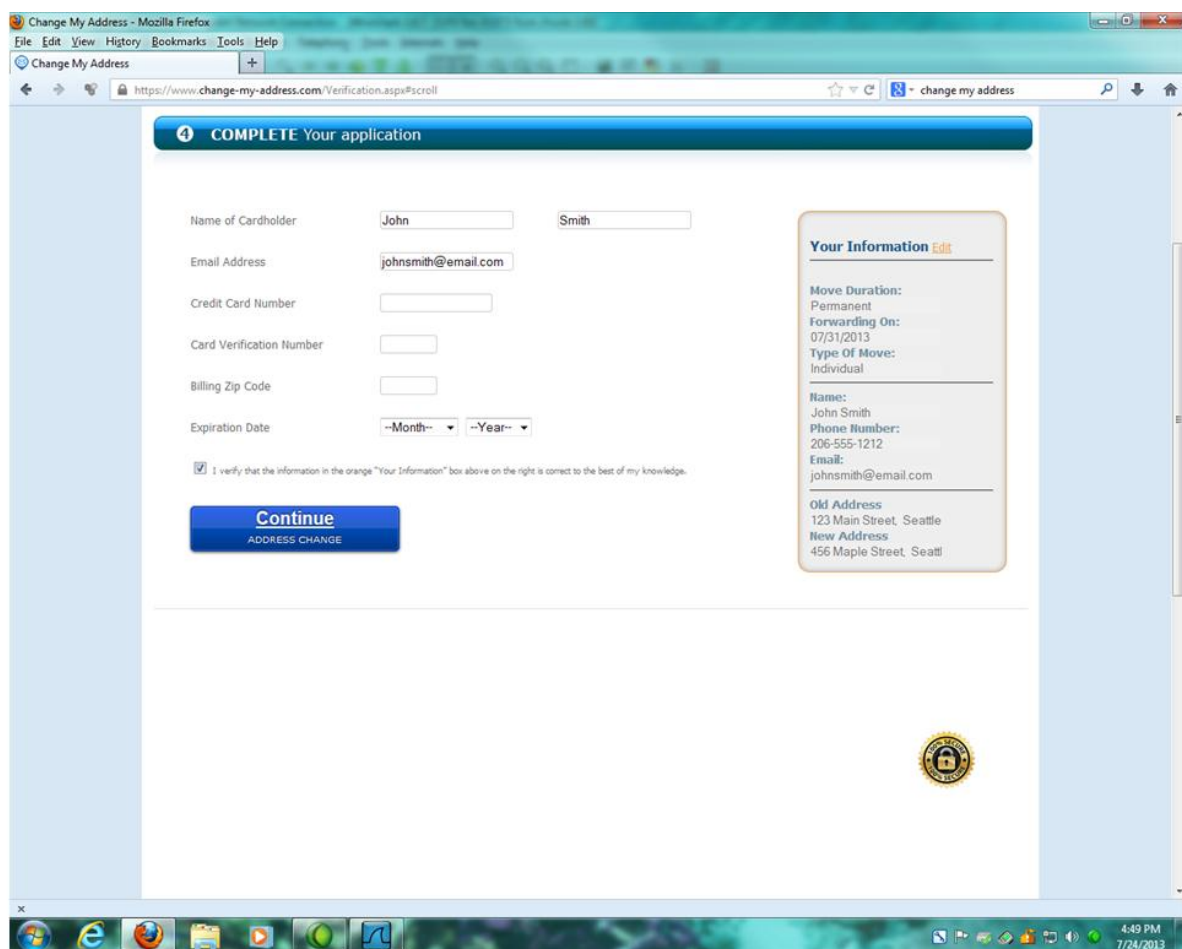


Figure 2

<https://www.change-my-address.com/Verification.aspx#scroll>, July 24, 2013

3.6 Defendants obscured the top of the payment page which, if manually scrolled up to by the consumer, revealed the following: “To prevent fraudulent address changes and to cover the cost of processing and handling, you authorize us to charge your credit or debit card a one-time \$19.95 fee.”

IV. FIRST CAUSE OF ACTION—FAILURE TO DISCLOSE MATERIAL FACTS

4.1 Plaintiff realleges paragraphs 1.1 through 3.6 and incorporates them as if fully set forth herein.

1 **4.2** At all times material to this lawsuit, Defendants failed to adequately disclose the
2 material fact that the consumer's credit or debit card would be charged \$19.95 for their
3 services. They obscured the cost of their services by coding their payment web page so that
4 the consumer could not see the amount that would be charged.

5 **4.3** They furthered their scheme by creating the impression that the cost of services
6 would be limited to the charge assessed by the USPS for address changes. The most prominent
7 disclosure on their web site regarding the cost of service is at the top of their landing page.
8 This disclosure states that the consumer will be assessed "a one dollar processing fee charged
9 by the USPS® for submitting an online address change request that must be paid with a valid
10 debit or credit card." In fact, USPS does charge one dollar for processing an online address
11 change if a consumer makes the change directly on its official web site. However, given that
12 this was the only clear disclosure made about pricing on Defendants' web site, many
13 consumers accordingly believed that they would only be charged \$1.00 for Defendants'
14 services. The consumer was informed of the \$19.95 charge only when he or she ultimately
15 received a credit or debit card billing statement.

16 **4.4** In addition to failing to disclose the cost of their services during Defendants'
17 sales transaction, Defendants failed to disclose the cost in any sales summary at the end of the
18 transaction or in any sales confirmation. The email confirmation that was sent to consumers
19 lists no amount of purchase, but merely confirms the information the consumer has filled in on
20 Defendants' form, and states that the consumer's change of address will be processed.

21 **4.5** Defendants' practices, as described in paragraphs 4.1 through 4.4 constitute
22 unfair and deceptive acts and practices in trade or commerce and unfair methods of
23 competition in violation of RCW 19.86, the Consumer Protection Act.
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1 **5.4** Defendants' practices, as described in paragraphs 5.1 through 5.3 constitute
2 unfair and deceptive acts and practices in trade or commerce and unfair methods of
3 competition in violation of RCW 19.86, the Consumer Protection Act.
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5 **VI. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff, STATE OF WASHINGTON, prays that this Court grant the
7 following relief:

8 **6.1** That the Court adjudge and decree that Defendants have engaged in the
9 conduct complained of herein.

10 **6.2** That the Court adjudge and decree that the conduct complained of in
11 Paragraphs 3.1 through 5.4 constitutes unfair or deceptive acts or practices and unfair
12 methods of competition in violation of the Consumer Protection Act, Chapter 19.86
13 RCW.

14 **6.3** That the Court issue a permanent injunction enjoining and restraining
15 Defendants and their representatives, successors, assigns, officers, agents, servants,
16 employees, and all other persons acting or claiming to act for, on behalf of, or in active
17 concert or participation with Defendants from continuing or engaging in the unlawful
18 conduct complained of herein.

19 **6.4** That the Court assess civil penalties, pursuant to RCW 19.86.140, of up
20 to two thousand dollars (\$2,000.00) per violation against Defendants for each and every
21 violation of RCW 19.86.020 caused by the conduct complained of herein.

22 **6.5** That the Court make such orders pursuant to RCW 19.86.080 as it
23 deems appropriate to provide for restitution to consumers of money or property
24 acquired by Defendants as a result of the conduct complained of herein.
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6.6 That the Court make such orders pursuant to RCW 19.86.080 to provide that plaintiff, State of Washington, have and recover from Defendants the costs of this action, including reasonable attorney's fees.

6.7 That the Court order such other relief as it may deem just and proper to fully and effectively dissipate the effects of the conduct complained of herein, or which may otherwise seem proper to the Court.

DATED this _____ day of November, 2013.

Presented by:

ROBERT W. FERGUSON
Attorney General

PAULA SELIS, WSBA #12823
Senior Counsel
Attorneys for Plaintiff
State of Washington